



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

JOHN J. GARRETT,
Plaintiff,

vs.

HENRY MCMASTER, as successor to
Charles M. Condon, Attorney General for the
State of South Carolina, DEAN CAMPBELL,
individually, and in his official capacity, and
PROVIDENT LIFE AND ACCIDENT
INSURANCE COMPANY,
Defendants.

§
§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 7:07-2952-HFF-WMC

ORDER

This case was filed as a E.R.I.S.A. action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Defendant McMaster and Defendant Campbell's motion for summary judgment be granted and that Plaintiff's motion for summary judgment and declaratory judgment be denied. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on July 3, 2008, and the Clerk of Court entered Plaintiff's objections to the Report on August 8, 2008. The Court has made an exhaustive review of Plaintiff's voluminous submission, but finds the arguments to be without merit.

Thus, after a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court that Defendant McMaster and Defendant Campbell's motion for summary judgment be **GRANTED** and that Plaintiff's motion for summary judgment and declaratory judgment be **DENIED**.

To the extent that Plaintiff seeks to appeal to this Court the Magistrate Judge's ruling denying Plaintiff's motion for joinder of parties and claims and denying Plaintiff's motion to amend, for joinder, and to produce, the Magistrate Judge's ruling is **AFFIRMED**.

IT IS SO ORDERED.

Signed this 11th day of August, 2008, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.